

United States Bankruptcy Court
Eastern District of New York

Howard M. Ehrenberg in his capacity as L,
Plaintiff
American Express Travel Related Services,
Defendant

Adv. Proc. No. 20-08044-ast

CERTIFICATE OF NOTICE

District/off: 0207-8

User: admin

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Date Rcvd: Mar 25, 2021

Form ID: pdf000

Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 27, 2021:

NONE

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustpreion02.li.ecf@usdoj.gov	Mar 25 2021 18:10:00	United States Trustee, Long Island Federal Courthouse, 560 Federal Plaza - Room 560, Central Islip, NY 11722-4456

TOTAL: 1

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 27, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 25, 2021 at the address(es) listed below:

Name	Email Address
Darryl S Laddin	on behalf of Defendant American Express Travel Related Services Company Inc. darryl.laddin@agg.com, bkrfilings@agg.com
Ilan D Scharf	on behalf of Plaintiff Howard M. Ehrenberg in his capacity as Liquidating Trustee of Orion Healthcorp Inc., et al ischarf@pszjw.com, lcanty@pszjlaw.com
Jeffrey P Nolan	on behalf of Plaintiff Howard M. Ehrenberg in his capacity as Liquidating Trustee of Orion Healthcorp Inc., et al jnolan@pszjlaw.com, lcanty@pszjlaw.com

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Form ID: pdf000

Total Noticed: 1

TOTAL: 3

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:	:	Chapter 11
	:	
ORION HEALTHCORP, INC ¹ .	:	Case No. 8-18-71748 (AST)
	:	
Debtors.	:	(Jointly Administered)
	:	

HOWARD M. EHRENBURG IN HIS CAPACITY	:	Adv. Pro. No. 8-20-08044 (AST)
AS LIQUIDATING TRUSTEE OF ORION	:	
HEALTHCORP, INC., ET AL.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
AMERICAN EXPRESS TRAVEL RELATED	:	
SERVICES COMPANY, INC.,	:	
	:	
Defendant(s).	:	

CASE MANAGEMENT AND DISCOVERY PLAN

Plaintiff, Howard Ehrenberg, in his capacity as Liquidating Trustee of Orion Healthcare, Inc. (the “Plaintiff”) and Defendant American Express Travel Related Services Company, Inc. (“Defendant”), by and through their undersigned counsel of record, (collectively “the Parties”) stipulate as follows:

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Orion Healthcorp, Inc. (7246); Constellation Healthcare Technologies, Inc. (0135); NEMS Acquisition, LLC (7378); Northeast Medical Solutions, LLC (2703); NEMS West Virginia, LLC (unknown); Physicians Practice Plus Holdings, LLC (6100); Physicians Practice Plus, LLC (4122); Medical Billing Services, Inc. (2971); Rand Medical Billing, Inc. (7887); RMI Physician Services Corporation (7239); Western Skies Practice Management, Inc. (1904); Integrated Physician Solutions, Inc. (0543); NYNM Acquisition, LLC (unknown) Northstar FHA, LLC (unknown); Northstar First Health, LLC (unknown); Vachette Business Services, Ltd. (4672); Phoenix Health, LLC (0856); MDRX Medical Billing, LLC (5410); VEGA Medical Professionals, LLC (1055); Allegiance Consulting Associates, LLC (7291); Allegiance Billing & Consulting, LLC (7141); New York Network Management, LLC (7168). The corporate headquarters and the mailing address for the Debtors listed above is 1715 Route 35 North, Suite 303, Middletown, NJ 07748.

The Parties in the above-captioned adversary proceeding (the “Adversary Proceeding”), respectfully request the following Discovery Plan apply to the Adversary Proceeding. The Discovery Plan is submitted in compliance with the Initial Scheduling Order issued by the Court and in accordance with Fed. R. Civ. P. 16(b) and 26(f).

1. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed no later than April 6, 2021.

2. The parties have met and conferred regarding documents maintained in electronic format. Plaintiff has identified the issue of the Debtors’ servers, some of which have been coded into a searchable format while others of which would require additional time and expenditures. Defendant has not yet identified potential issues with respect to documents maintained in electronic format. The parties will cooperate to facilitate the exchange of relevant evidence stored in any electronic format.

3. All written and document fact discovery between the parties shall be completed no later than September 30, 2021.

4. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure ("Civil Rules"), Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules") and the Local Rules of the Bankruptcy Court for the Eastern District of New York ("Local Bankruptcy Rules"). The parties anticipate discovery on the subject transfers, the basis for and the circumstances surrounding the issuance of cards and the payments.

5. Mediation. The Parties desire and agree to attend mediation but believe such mediation is best utilized after the Parties have had the opportunity to conclude written and document fact discovery after which time they will either agree to a private mediator or select a mediator from the Mediation Register of the Eastern District of New York, United States

Bankruptcy Court. The Parties will jointly file a stipulation (the “Stipulation”) with the Court advising of the selection of a mediator and the date proposed for mediation, which date will be scheduled prior to the continued Pre-Trial Conference.

6. Motions. All motions and applications shall be governed by the Civil Rules, Bankruptcy Rules and Local Bankruptcy Rules, including pre-motion conference requirements. Pursuant to the authority provided by Fed. R. Civ. P. 16(b)(2), a motion for summary judgment will be deemed untimely unless a request for a pre-motion conference relating thereto (*see* Local Bankruptcy Rule 7056-1) is made in writing within fourteen (14) days after the close of expert discovery.

7. Pre-Trial Conference. The Pre-Trial Conference is adjourned to **October 5, 2021 at 2:00 pm.**

This ORDER may not be modified, or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend any deadline established by this Order shall be made in a written application no less than five (5) days prior to the expiration of the date sought to be extended.

Dated: March 16, 2021

PACHULSKI STANG ZIEHL & JONES LLP

Attorneys for Plaintiff Howard M. Ehrenberg,
in his capacity of Liquidating Trustee of Orion
Healthcorp, Inc., *et al*

ARNALL GOLDEN GREGORY LLP

Counsel for Defendant American Express
Travel Related Services Company, Inc.

By: /s/ Jeffrey P. Nolan

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By: /s/ Darryl S. Laddin

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SO ORDERED:

Dated: March 25, 2021
Central Islip, New York




Alan S. Trust
Chief United States Bankruptcy Judge